

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: 07/06/2012

POSITION: Neutral

SPONSOR: Board of Equalization

BILL NUMBER: AB 2679

AUTHOR: Asm Transportation

BILL SUMMARY: Transportation: Omnibus Bill

This transportation omnibus bill would combine multiple, non-controversial changes to statutes relating to transportation, the vehicle code, and tax-related provisions into one bill.

FISCAL SUMMARY

This bill would have no state fiscal impact.

COMMENTS

The Department of Finance is neutral on this bill because it would make technical changes to clean-up and update existing statute.

Analyst/Principal (0752) M.Almy	Date	Program Budget Manager Kristin Shelton	Date
Department Deputy Director		Date	
Governor's Office:	By:	Date:	Position Approved _____ Position Disapproved _____
BILL ANALYSIS			Form DF-43 (Rev 03/95 Buff)

Asm Transportation

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ANALYSIS**1. Programmatic Analysis**

This bill would make the following technical changes:

1) Existing law allows the Department of Transportation to pay claims or damages up to a maximum of \$5,000 without approval of the California Victim Compensation and Government Claims Board.

This bill would change the maximum amount a claimant can be awarded to the current small claims court limit of \$7,500.

2) Existing law authorizes the Department of General Services to establish rules and regulations for the use and maintenance of state buildings and grounds.

This bill would allow bicyclists to ride on designated pathways near the state capitol, if the bicycle is ridden in a manner that is reasonable and prudent.

3) Existing law, the Mills-Alquist-Deddeh Act, also known as the Transportation Development Act (TDA), was enacted in 1972 and provides two major sources of state funding for public transportation in California: (1) the Local Transportation Fund and (2) the State Transit Assistance Fund. These funds are distributed through the regional transportation planning agencies. TDA requires, among other things, special accommodations for handicapped persons, as defined, on public transit systems.

This bill would replace the term handicapped with "disabled."

4) Existing law authorizes the Solano County Transportation Authority (SCTA), a Joint Powers Association, to claim up to 2 percent of local transportation funds available under the TDA.

Chapter 143, Statutes of 2009, AB 1219 (Evans), would have memorialized SCTA's practice of claiming up to 2.7 percent of local transportation funds under the TDA. However, the bill erroneously cited the amount the SCTA can claim as up to 2 percent. This bill would allow the SCTA to claim up to 2.7 percent of local transportation funds as originally intended.

The TDA authorizes regional transportation planning agencies, like the SCTA, to allocate up to 3 percent of local transportation revenues by annually claiming reimbursement for staff with the Metropolitan Transportation Commission (MTC) for transit planning and coordination.

5) Existing law creates transportation commissions or authorities in certain counties, including Imperial and Los Angeles Counties, with various responsibilities relating to transportation planning and programming, among other things.

This bill would change obsolete references to the Imperial County Transportation Commission and the Los Angeles County Metropolitan Transportation Authority to reflect their current names.

6) Existing law provides for the California Transportation Commission to adopt locations for state highways on routes authorized by law, and provides for relinquishment of certain segments of state highways from the state to local agencies.

This bill updates descriptions of various routes on the State Highways System to reflect relinquishments since 2009.

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ANALYSIS (continued)

7) Existing law requires the BOE to make specified annual adjustments to the tax rates to ensure the revenue neutrality under previously enacted statutory modifications of these tax rates, under which modifications certain taxes increased while others decreased.

This bill aligns the adjustment dates of the gasoline and diesel fuel sales tax prepayment rates with the excise tax rate adjustments for both gasoline and diesel fuel as required by the fuel tax swap. The dates would be changed so that, if and when there are adjustments to the gasoline and diesel fuel excise tax rates, they would also be accounted for in the sales tax prepayment rate thereby reducing the time and costs associated with adjusting the rates at two different times, for both the BOE and the affected industry. Technical changes would also allow the BOE to notify fuel vendors of a new prepayment rate by means other than mail and would make a clarifying reference to the additional sales tax on diesel fuel set to take effect on July 1, 2011. In addition, this bill would delete the reference to the specified report for determining the retail price of fuels and would instead authorize the BOE to rely on industry publications reporting that information.

In 2010, the fuel tax swap eliminated the sales tax on gasoline in exchange for an increase in the excise tax on gasoline. Furthermore, this required the BOE to calculate the tax rates at two different points in time. The current rate setting dates are November 1 and October 1 for gasoline sales tax and the Interstate User Tax, respectively. This bill would propose to align those dates with the fuel tax swap rate setting date of March 1.

This bill is sponsored by the BOE and these changes would not have a substantial negative or positive impact on revenues, but may cause a minor shift in revenues between fiscal years.

8) Existing law allows for the relinquishment of various portions of the state highway system to local agencies.

This bill would update the streets and highways code to reflect the various relinquishments and transfers of the state highway system.

9) Existing law requires the display of rear vehicle license plates to be mounted not less than 12 inches nor more than 60 inches from the ground, with certain exceptions.

This bill would amend existing law to include an exception for rear license plate placement to be as high as 107 inches off the ground for dump bed motortrucks equipped with a trailing load bearing bearing swing axle, as defined in statute. In addition, this bill makes other technical changes to towing procedures of a vehicle and the subsequent recover of a vehicle from impoundment.

10) Existing law governs the procedures for school bus drivers in regards to activating the flashing amber light warning system.

This bill would amend existing law to allow private schools to designate locations of when and where to use the flashing amber light warning system. In addition, this bill would make various changes to school bus drop off locations based on safety reasons or in certain cases allow certain drop off locations with the consent of the California Highway Patrol.

